

Constitutionalism in Western Europe: c. 1600-1725

Constitutionalism: Government power is limited by law. There is a delicate balance between the power of government and the rights and liberties of individuals.

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notes

- I. English society in the 17th century
 - A. Capitalism played a major role in the high degree of social mobility
 1. The Commercial Revolution significantly increased the size of the English middle-class
 2. Improved agricultural techniques improved farming and husbandry
 3. The size of the middle-class became proportionately larger than any country in Europe, with the exception of the Netherlands.
 - B. **Gentry**
 1. Wealthy landowners in the countryside who dominated politics in the **House of Commons** (England's lower house in Parliament)
 2. Many of the gentry had been commercially successful and had moved up from the middle-class into the upper-class
 3. Relied heavily on legal precedent to limit the power of the king on economic and political matters
 4. Were willing to pay taxes so long as the House of Commons had a say in national expenditures
 - a. Unlike France, there was no stigma to paying taxes in England. Since the tax burden was more equitable in England, the peasantry was not as heavily exploited.
 - b. The issue of taxation brought the House of Commons and the monarchy into direct conflict
 - C. Religion
 1. Calvinists comprised perhaps the largest percentage of the population by the early 17th century while the Anglican Church lost ground
 2. Puritans (the most reform-minded of the Calvinists) sought to "purify" the Church of England by removing many of its Catholic elements

3. The "Protestant work ethic" profoundly impacted members of the middle-class and gentry.
4. Calvinists in particular were highly opposed to any influence by the Catholic Church (while James I and Charles I seemed to be sympathetic to Catholicism)
- II. Problems facing English monarchs in the 17th century
- A. The **Stuarts** ruled England for most of the 17th century
1. Although they exhibited absolutist tendencies, they were restrained by the growth of Parliament.
 - They lacked the political astuteness of Elizabeth I.
 - James I (1603-1625): first of the Stuart kings—struggled with Parliament
 - Charles I (1625-1629): twice suspended Parliament; beheaded during the English Civil War
 - Charles II (1660 -1685): restored to the throne but with the consent of Parliament
 - James II (1685-1688): exiled to France during the "Glorious Revolution"
- B. Two major issues prior to the Civil War:
1. Could the king govern without the consent of Parliament or go against the wishes of Parliament?
 2. Would the form of the Anglican Church follow the established hierarchical episcopal form or acquire a presbyterian form?
 - Episcopal form meant king, Archbishop of Canterbury, and bishops of church determined Church doctrine and practices (used in England).
 - Presbyterian form allowed more freedom of conscience and dissent among church members (used in Scotland).
- III. **James I** (r. 1603-1625)
- A. Background
- Elizabeth I left no heir to the throne when she died in 1603
 - James VI of Scotland was next in line to assume the throne; thus England got a Scottish king
- B. James believed in "**divine right**" of kings
- Claimed "No bishop; no king" in response to Calvinists who wanted to eliminate system of bishops in the Church of England.
 - Firm believer in absolutism (such as that seen by his contemporaries in France, Henry IV and later, Louis XIII)
- Use space below for notes:

- C. Twice dissolved Parliament over issues of taxation and parliamentary demands for free speech.
 - 1. Elizabeth I left behind a large debt
 - 2. A series of wars (including the 30 Years' War) were costly and required large gov't revenues
 - 3. James unwisely flaunted his wealth (not to mention his male lovers) and thus damaged the prestige of the monarchy.

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IV. **Charles I** (r. 1625-1649)

A. Background

- 1. Son of James I
- 2. Like James, he claimed "divine right" theory of absolute authority for himself as king and sought to rule without Parliament
- 3. Also sought to control the Church of England.

B. Tax issues pitted Charles I against Parliament

- 1. Charles needed money to fight wars
- 2. To save money, soldiers were quartered in English homes during wartime (this was very unpopular)
- 3. Some English nobles were arrested for refusing to lend money to the government
- 4. By 1628, both houses of Parliament were firmly opposed to the king

C. **Petition of Right** (1628)

- 1. Parliament attempted to encourage the king to grant basic legal rights in return for granting tax increases
- 2. Provisions:
 - a. Only Parliament had right to levy taxes, gifts, loans, or contributions.
 - b. No one should be imprisoned or detained without due process of law.
 - c. All had right to *habeas corpus* (trial)
 - d. No forced quartering of soldiers in homes of private citizens.
 - e. Martial law could not be declared in peacetime.

Use space below for notes:

D. Charles dissolved Parliament in 1629

- 1. Parliament had continued to refuse increased taxation without its consent
- 2. Parliament also had demanded that any movement of the gov't toward Catholicism and Arminianism (rejection of Church authority based on "liberty of conscience") be treated as treason.

3. Charles' rule without Parliament between 1629 and 1640 became known as the "Thorough"
 - a. In effect, Charles ruled as an absolute monarch during these 11 years
 - b. He raised money using Medieval forms of forced taxation (those with a certain amount of wealth were obligated to pay)
 - c. **"Ship money"**: all counties now required to pay to outfit ships where before only coastal communities had paid.
 - d. Religious persecution of Puritans became the biggest reason for the English Civil War.
- E. The **"Short Parliament"**, 1640
 1. A Scottish military revolt in 1639-40 occurred when Charles attempted to impose the English Prayer Book on the Scottish Presbyterian church
 - The Scots remained loyal to the Crown despite the revolt over religious doctrine
 2. Charles I needed new taxes to fight the war against Scotland
 3. Parliament was re-convened in 1640 but refused to grant Charles his new taxes if he did not accept the rights outlined in the Petition of Right and grant church reforms
 4. Charles disbanded Parliament after only a month
- F. **"Long Parliament"** (1640-1648)
 1. Desperate for money after the Scottish invasion of northern England in 1640, Charles finally agreed to certain demands by Parliament.
 - a. Parliament could not be dissolved without its own consent
 - b. Parliament had to meet a minimum of once every three years
 - c. "Ship money" was abolished
 - d. The leaders of the persecution of Puritans were to be tried and executed (including **Archbishop Laud**)
 - e. The Star Chamber (still used to suppress nobles) was abolished
 - f. Common law courts were supreme to the king's courts.
 - g. Refused funds to raise an army to defeat the Irish revolt
 2. The Puritans came to represent the majority in Parliament against the king's Anglican supporters

V. The **English Civil War**

A. Immediate cause

1. Charles tried to arrest several Puritans in Parliament but a crowd of 4,000 came to Parliament's defense
 - Charles did this because an Irish rebellion broke out and Parliament was not willing to give the king an army.
2. In March 1642 Charles declared war against his opponents in Parliament
 - His army came from the nobility, rural country gentry, and mercenaries.
3. Civil War resulted:
 - a. **Cavaliers supported the king**
 - Clergy and supporters of the Anglican Church
 - Majority of the old gentry (nobility); north and west
 - Eventually, Irish Catholics (who feared Puritanism more than Anglicanism)
 - b. **Roundheads (Calvinists) opposed the king**
 - Consisted largely of Puritans (Congregationalists) and Presbyterians (who favored the Scottish church organization)
 - Allied with Scotland (in return for guarantees that Presbyterianism would be imposed on England after the war)
 - Supported by Presbyterian-dominated London
 - Comprised a majority of businessmen
 - Included some nobles in the south and east
 - Had the support of the navy and the merchant marine

B. **Oliver Cromwell, a fiercely Puritan Independent and military leader of the Roundheads, eventually led his New Model Army to victory in 1649**

1. Battle of Nasby was the final major battle.
2. Charles surrendered himself to the Scots in 1646
3. A division between Puritans and Presbyterians (and non-Puritans) developed late in the war.
4. Parliament ordered the army to disband; Cromwell refused.
 - Cromwell successfully thwarted a Scottish invasion (Charles I had promised Scotland a Presbyterian system if they would help defeat Cromwell)
5. **Pride's Purge** (1648): Elements of the New Model Army (without Cromwell's knowledge) removed all non-Puritans and Presbyterians from Parliament leaving a **"Rump Parliament"** with only 1/5 of members remaining.

6. Charles I was beheaded in 1649
 - a. This effectively ended the civil war
 - b. First king in European history to be executed by his own subjects

D. New sects emerged

1. **Levellers:** Radical religious revolutionaries; sought social & political reforms—a more egalitarian society
2. **Diggers:** denied Parliament's authority and rejected private ownership of land
3. **Quakers:** believed in an "inner light", a divine spark that existed in each person
 - a. Rejected church authority
 - b. Pacifists
 - c. Allowed women to play a role in preaching

VI. The Interregnum under Oliver Cromwell

- A. The **Interregnum:** 1649-1660 rule without king
 1. The Commonwealth (1649-1653): a republic that abolished the monarchy and the House of Lords
 - a. In reality, became a military state with an army of 44,000 (the best in Europe)
 - b. Scottish Presbyterians, who opposed Puritan rule, proclaimed Charles II as the new king and Cromwell once again defeated a Scottish invasion
 2. **The Protectorate** (1653-1659), Oliver Cromwell Lord Protector (in effect, a dictatorship)
 - a. Dissolved the "Rump Parliament" in 1653 after a series of disputes
 - b. England divided into 12 districts, each under the control of a military general
 - c. Denied religious freedom to Anglicans and Catholics
 - d. Allowed Jews to return to England in 1655 (Jews had not been allowed since 1290)
- B. Cromwell's military campaigns
 1. 1649, Cromwell invaded Ireland to put down an Irish uprising.
 - Act of Settlement (1652): The land from 2/3 of Catholic property owners was given to Protestant English colonists.
 2. Cromwell conquered Scotland in 1651-52

- C. The Puritan-controlled gov't sought to regulate the moral life of England by commanding that people follow strict moral codes that were enforced by the army.
 - 1. The press was heavily censored, sports were prohibited, theaters were closed
 - 2. This seriously alienated many English people from Cromwell's military rule
 - D. Cromwell died in 1658 and his son, Richard, was ineffective as his successor.
 - The Stuarts under Charles II were restored to the throne in 1660.
- VII. The Restoration under Charles II and James II
- A. A Cavalier Parliament restored **Charles II** (r. 1660-1685) to the throne in 1660.
 - 1. While in exile, Charles had agreed to abide by Parliament's decisions in the post-war settlement
 - 2. Parliament was stronger in relation to the king than ever before in England
 - The king's power was not absolute
 - 3. Charles agreed to a significant degree of religious toleration, especially for Catholics to whom he was partial
 - 4. He was known as the "Merry Monarch" for his affable personality
 - B. Development of political parties
 - 1. Tories
 - a. Nobles, gentry and Anglicans who supported the monarchy over Parliament
 - b. Essentially conservative
 - 2. Whigs
 - a. Middle-class and Puritans who favored Parliament and religious toleration
 - b. More liberal in the classical sense
 - C. The **Clarendon Code**
 - 1. Instituted in 1661 by monarchists and Anglicans
 - 2. Sought to drive all Puritans out of both political and religious life
 - 3. **Test Act of 1673** excluded those unwilling to receive the sacrament of the Church of England from voting, holding office, preaching, teaching, attending universities, or assembling for meetings.

- D. Charles seemed to support Catholicism and drew criticism from Whigs in Parliament
 - 1. Granted freedom of worship to Catholics
 - 2. Made a deal with Louis XIV in 1670 whereby France would give England money each year in exchange for Charles relaxing restrictions on Catholics
 - 3. Charles dissolved Parliament when it passed a law denying royal succession to Catholics (Charles' brother, James, was Catholic)
 - 4. He declared himself a Catholic on his deathbed
- E. Parliament passed the ***Habeas Corpus Act*** in 1679
 - 1. Whig Parliament sought to limit Charles' power
 - 2. Provisions:
 - a. Enabled judges to demand that prisoners be in court during their trials.
 - b. Required just cause for continued imprisonment.
 - c. Provided for speedy trials.
 - d. Forbade *double jeopardy* (being charged for a crime of which one had already been acquitted)
- F. Charles took control of Scotland
 - 1. Scotland again gained its independence when Charles II assumed the throne in 1660.
 - 2. Charles reneged on his 1651 pledge that acknowledged Presbyterianism in Scotland and in 1661 declared himself the head of the Church of Scotland
 - He sought to impose the episcopal form of church hierarchy in Scotland, similar to the Anglican Church.
 - 3. Thousands were killed in Scotland for resisting Charles' dictatorship
 - Last few years of Charles' reign in Scotland was known as the "Killing Time"
- G. **James II** (r. 1685-88)
 - 1. Inherited the throne at age 55 from his brother, Charles II.
 - 2. He sought to return England to Catholicism
 - Appointed many Catholics to high positions in gov't and in colleges

VIII. The **Glorious Revolution, 1688**

- A. The Glorious Revolution of 1688-89 was the final act in the struggle for political sovereignty in England.
 1. Parliament not willing to sacrifice constitutional gains of the English Civil War and return to absolute monarchy.
 2. Two issues in particular drove Parliament to action:
 - a. James's reissue of Declaration of Indulgence (granting freedom of worship to Catholics) and his demand that the declaration be read in the Anglican Church on two successive Sundays
 - b. Birth of a Catholic heir to the English throne in 1688
- B. James II was forced to abdicate his throne
 1. James' daughters, Mary and Anne, were Protestants
 2. Parliament invited Mary's husband, the Dutch stadholder **William of Orange**, to assume the throne.
 - William agreed only if he had popular support in England and could have his Dutch troops accompany him.
 3. William thus prepared to invade England from Holland.
 4. In late 1688, James fled to France after his offers for concessions to Parliament were refused.
 5. **William and Mary** were declared joint sovereigns by Parliament.
- C. The **Bill of Rights** (1689)
 1. William and Mary accepted what became known as the "Bill of Rights".
 2. England became a constitutional monarchy
 - a. This became the hallmark for constitutionalism in Europe
 - b. The *Petition of Right* (1628), *Habeas Corpus Act* (1679), and the Bill of Rights (1689) are all part of the English Constitution.
 3. Provisions
 - a. King could not be Roman Catholic.
 - b. Laws could be made only with the consent of Parliament.
 - c. Parliament had right of free speech.
 - d. Standing army in peace time was not legal without Parliamentary approval.
 - e. Taxation was illegal without Parliamentary approval.

- f. Excessive bail and cruel and unusual punishments were prohibited.
 - g. Right to trial by jury, due process of law, and reasonable bail was guaranteed.
 - h. People had the right to bear arms (Protestants but not Catholics)
 - i. Provided for free elections to Parliament and it could be dissolved only by its own consent.
 - j. People had right of petition.
- 4. The "Glorious Revolution" did not amount to a democratic revolution
 - a. Power remained largely in the hands of the nobility and gentry until at least the mid-19th century
 - b. Parliament essentially represented the upper classes
 - c. The majority of English people did not have a say in political affairs
 - d. The most notable defense of the "Glorious Revolution" came from political philosopher **John Locke** in his ***Second Treatise of Civil Government*** (1690)
 - He stated that the people create a government to protect their "natural rights" of life, liberty and property
- D. **Toleration Act of 1689**
 - a. Granted right to worship for Protestant non-conformists (e.g. Puritans, Quakers) although they could not hold office.
 - b. Did not extend religious liberties to Catholics, Jews or Unitarians (although they were largely left alone)
- E. **Act of Settlement, 1701**
 - 1. If King William, or his sister-in-law, Anne, died without children, the Crown would pass to the granddaughter of James I, the Hanoverian electress dowager, or to her Protestant heirs.
 - 2. The Stuarts were no longer in the line of succession
 - 3. When Anne died in 1714, her Hanoverian heir assumed the throne as George I.

F. **Act of Union, 1707**

1. United England and Scotland into **Great Britain**
2. Why would Scotland agree to give up its independence?
 - a. The Scots desperately desired access to England's trade empire and believed that it would continue to fall behind if it did not enter into a union.
 - b. Scottish Presbyterians feared that the Stuarts (who were now staunchly Catholic) might attempt to return to the throne in Scotland.
3. Within a few decades, Scotland transformed into a modern society with dynamic economic and intellectual growth

IX. The **Cabinet system** in the 18th century

A. Structure:

1. Leading ministers, who were members of the House of Commons and had the support of the majority of its members, made common policy and conducted the business of the country.
2. The **Prime Minister**, a member of the majority, was the leader of the government

B. **Robert Walpole** is viewed as the first Prime Minister in British history (although the title of Prime Minister was not yet official)

1. Led the cabinet from 1721-1742
2. Established the precedent that the cabinet was responsible to the House of Commons

C. The King's role

1. George I (1714-1727), the first of the Hanoverian kings, normally presided at cabinet meetings.
2. George II (1727-1760) discontinued the practice of meeting with the cabinet.
3. Both kings did not speak English fluently and seemed more concerned with their territory in Hanover.
 - Decision making of the crown declined as a result.

X. The **United Provinces of the Netherlands (Dutch Republic)**

A. 1st half of the 17th century was the "golden age" of the Netherlands

1. The government was dominated by the bourgeoisie whose wealth and power limited the power of the state
2. Government was run by representative institutions

- B. The government consisted of an organized confederation of seven provinces, each with representative gov't
 - 1. Each province sent a representative to the Estates General
 - 2. Holland and Zeeland were the two richest and most influential provinces
 - 3. Each province and city was autonomous (self-governing)
 - 4. Each province elected a **stadholder** (governor) and military leader
 - 5. During times of crisis, all seven provinces would elect the same stadholder, usually from the House of Orange

- C. The Dutch Republic was characterized by religious toleration
 - 1. Calvinism was the dominant religion but was split between the **Dutch Reformed** (who were the majority and the most powerful) and **Arminian** factions
 - a. Arminianism: Calvinism without the belief in predestination
 - b. Arminians enjoyed full rights after 1632
 - c. Consisted of much of the merchant class
 - 2. Catholics and Jews also enjoyed religious toleration but had fewer rights.
 - 3. Religious toleration enabled the Netherlands to foster a cosmopolitan society that promoted trade

- D. The Netherlands became the greatest mercantile nation of the 17th century
 - 1. **Amsterdam** became the banking and commercial center of Europe
 - a. Replaced Antwerp that had dominated in the late-16th century
 - b. Richest city in Europe with a population of over 100,000
 - c. Offered far lower interest rates than English banks; this was the major reason for its banking dominance
 - 2. Had to rely on commerce since it had few national resources
 - a. The Dutch had the largest fleet in the world dedicated to trade
 - b. Had several outstanding ports that became a hub of European trade
 - 3. Did not have government controls and monopolies that interfered with free enterprise

4. Fishing was the cornerstone of the Dutch economy
5. Major industries included textiles, furniture, fine woolen goods, sugar refining, tobacco cutting, brewing, pottery, glass, printing, paper making, weapons manufacturing and ship building
6. **Dutch East India Company** and Dutch West India Company organized as cooperative ventures of private enterprise and the state
 - a. DEIC challenged the Portuguese in East including South Africa, Sri Lanka, and parts of Indonesia.
 - b. DWIC traded extensively with Latin American and Africa

E. Foreign policy

1. Dutch participation against the Hapsburgs in the Thirty Years' War led to its recognition as an independent country, free from Spanish influence
2. War with England and France in the 1670s damaged the United Provinces
 - Dikes in Holland were opened in 1672 and much of the region was flooded in order to prevent the French army from taking Amsterdam.
3. By the end of the War of Spanish Succession in 1713, the Dutch Republic saw a significant economic decline
 - Britain and France were now the two dominant powers in the Atlantic trade.

IX. Sweden

- A. King **Gustavus Adolphus** (r. 1611-32) reorganized the gov't
 - The Baltic region came under Swedish domination and Sweden became a world power
- B. The Riksdag, an assembly of nobles, clergy, townsmen, and peasants, supposedly had the highest legislative authority.
- C. The real power rested with the monarchy and nobility
 1. Nobles had the dominant role in the bureaucracy and the military
 2. The central gov't was divided into 5 departments, each controlled by a noble
- D. Sweden focused on trade rather than building up a huge military (too costly)

Terms to Know

constitutionalism	Charles II
gentry	Clarendon Code
House of Commons	Test Act, 1673
Stuart dynasty	<i>Habeas Corpus Act</i> , 1679
James I	James II
"divine right" of kings	"Glorious Revolution"
Charles I	William and Mary
Petition of Right, 1628	Bill of Rights
"ship money"	John Locke, <i>Second Treatise of Civil Government</i> (1690)
"Short Parliament"	Toleration Act, 1689
"Long Parliament"	Act of Settlement, 1701
Archbishop Laud	Act of Union, 1707
English Civil War	Great Britain
Cavaliers	Cabinet system
Roundheads	Prime Minister
Oliver Cromwell	Robert Walpole
Independent	United Provinces of the Netherlands (Dutch Republic)
New Model Army	stadholder
Pride's Purge	Dutch Reformed church
"Rump" Parliament	Arminianism
Levellers	Amsterdam
Diggers	Dutch East India Co.
Quakers	Gustavus Adolphus
Interregnum	
Protectorate	
Restoration	

Essay Questions

Note: This sub-unit is a medium probability area for the AP exam. In the past 10 years, 9 questions have come wholly or in part from the material in this chapter. Below are some practice questions that will help you study the topics that have appeared on previous exams.

1. Analyze the development of constitutionalism in England during the 17th century.
2. To what extent were the Puritans successful in achieving their goals in England between 1642 and 1660?
3. Analyze reasons for the failure of absolutism in England in the 17th century.
4. Analyze factors that led to the rise of the Dutch Republic and its commercial success in the 17th century.

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